



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 West Yakima, Suite 200 • Yakima, Washington 98902-3401 • (509) 575-2490

April 10, 1996

Wesley D. & Guadalupe M. Peterson
PO Box 2475
Chelan WA 98816-2475

Dear Mr. & Mrs. Peterson:

RE: Request for extension of PRELIMINARY PERMIT issued to Wesley D. and Guadalupe M. Peterson for Surface Water Application No. S4-31534

On August 7, 1995, the Department of Ecology, Water Resources, in Yakima, Washington, received a letter requesting an extension of the PRELIMINARY PERMIT issued under Surface Water Application No. S4-31534. The letter stated that damage caused by the "Tyee" forest fire to the property and home had affected the ability to proceed on schedule to fulfill the requirements of the PRELIMINARY PERMIT.

At the time of the request, there remained eight months before the two year PRELIMINARY PERMIT expired. A decision was made to postpone any decision until closer to the expiration date.

The proposed water delivery system using gravity flow from a cistern, developed by Nulton Irrigation, appears to be a fairly adequate one for controlling erosion during continuing operation of the system after installation.

There are two main requirements from the PRELIMINARY PERMIT that remain to be accomplished. First, because of the high susceptibility of your site to erosion of the soil if it is disturbed, one of the conditions of the Preliminary Permit was the submittal of an erosion control plan established for this project. The system selection only satisfies part of that plan requirement.

The first aspect lacking to fulfill the requirements of the PRELIMINARY PERMIT for erosion control, is a plan of control **during installation**, when soil is disturbed to lay the distribution system. A soils specialist or environmental engineer should be able to provide you with such a plan.

The second requirement is ownership information and confirmation of an easement from the lake to the place of use. Our understanding is that, as of this date, you do not have an easement or permission for ingress and egress from Shannon Kollmeyer, owner of the property separating you from Lake Chelan.

FILE COPY

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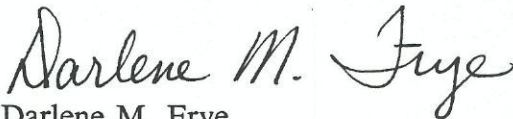
Since the requirements of the PRELIMINARY PERMIT have not been met at this time, the Department has made a determination to extend your PRELIMINARY PERMIT for the following reasons:

- The extenuating circumstance of the occurrence of a forest fire destroying your home and damaging your property has interfered with your ability to meet some of the provisions of the PRELIMINARY PERMIT.
- The submittal of two different water plans for the water system by Nulton Irrigation, a letter indicating which of the plans submitted you plan to use and the choice of a crop, indicate the good faith and intent of the applicant to carry on the proposed development and comply with the PRELIMINARY PERMIT.
- Under RCW 90.03.290, a PRELIMINARY PERMIT to make surveys, investigations, studies, and progress reports may issue for three years. This PRELIMINARY PERMIT issued for two years, so an additional year is allowed by law.

ALL of the original requirements of the PRELIMINARY PERMIT have to be met by the end of the one year extension date of April 5, 1997, to avoid automatic cancellation of application No. S4-31534. The applicant will continue to submit progress reports every six months, with the next one due October 4, 1996.

I am enclosing a copy of RCW 90.03 for your information. Section 90.03.290 pertains to Preliminary Permits.

Sincerely,



Darlene M. Frye
Section Manager
Shorelands and Water Resources Program

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Enclosure: RCW 90.03 (copy)